

REMARKS

Summary of Office Action

Claims 18-22, 26, 27 and 66-71 are currently pending in the present application. Claims 18-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Pirkola et al. U.S. Patent No. 6,611,516 (hereinafter “Pirkola”). Claims 26-27 and 66-71 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Baumeister et al. U.S. Patent No. 6,914,972 (hereinafter “Baumeister”).

Summary of Reply to Office Action

Applicant has cancelled claim 22 and amended each of independent claims 18, 26 and 66 to include a limitation similar to the limitation found in claim 22. The various rejections of all the claims under 35 U.S.C. § 102(e) are respectfully traversed.

Reply to Rejections under 35 U.S.C. § 102(e)

In at least one of the amended claims, applicant’s invention is directed to a device for use in a cellular network. The device includes means for completing an incoming call to a wireless cell phone via the cellular network if the cell phone is not roaming and means for forwarding the incoming call to a packet switched data network if the cell phone is roaming to an area covered by an IP network. Preferably, cell phone network entry point signals, or other suitable signals, may be received using out of band signaling.

Pirkola is directed to a short message service support system over a packet-switched telephony network. Pirkola does provide a system that includes a cellular network, a Public Switched Telephone Network (PSTN) and a mobile IP-telephony network.

Baumeister is directed to an Internet telephone adapter for setting up voice/data links. Baumeister discusses a system in which a data conversion unit for data conversion between a subscriber terminal interface and a subscriber access adapter interface allows connection both to a packet-switching communications network and to a line-switching communications network.

Each of the independent claims, as amended, includes the use of out of band signaling. According to applicant’s specification, out of band signaling is advantageous as described in the following portion of the specification at page 11, lines 15 to 18; “[t]he communication over line 214 may also be implemented as **out of band signaling** such as SS7, IP

signaling, or any other type of signaling. Notably, by using **SS7 or other standardized signaling, the wireless telephony network need not be altered from its present day operation.**” (emphasis added). Thus, the out of band signaling according to the invention provides a unique advantage – i.e., the wireless telephony network need not be altered from its present day operation. As such, the invention using out of band signaling provides a cost-saving over implementing a system that requires altering the present day operation of the existing system.

Applicant’s undersigned representative has performed a word search on the U.S.P.T.O. web site and has determined that neither Pirkola nor Baumeister includes the term “out of band” or even the term “band.” As such neither Pirkola nor Baumeister cannot show or suggest out of band signaling according to the invention.

Though, the Office Action states that FIG. 2 of Pirkola shows Gateway Function 210 indicating subscriber roaming out of band, the FIGURE in no way indicates out of band signaling. In fact, Pirkola even teaches away from a use according to the invention stating in pertinent part of column 8, lines 44-57, “PSTN 240 and Cellular network typically use common channel signaling based on the signaling system 7 (SS7) protocol for network signaling” and **“IP addresses cannot be used to route messages or calls in the PSTN 240 or cellular network 260.”** As such, Pirkola teaches that IP addresses cannot be used together with SS7 and Pirkola thus teaches away from the invention.

Conclusion

It has been shown that independent claims 18, 26 and 66 each includes a limitation that is neither shown nor suggested by the prior art whether taken alone or in combination. As such, independent claims 18, 26 and 66 are allowable. Furthermore, dependent claims 19-22, 27 and 67-70, each of which depend either directly or indirectly from one of the allowable independent claims are allowable as well. Thus, each of the rejections under 35 U.S.C. § 102(e) is respectfully traversed. A prompt and favorable response is respectfully requested.

Respectfully submitted,

KAPLAN GILMAN GIBSON & DERNIER LLP
900 Route 9 North, Suite 504
Woodbridge, NJ 07095
Telephone (732) 634-7634

DATED: March 14, 2007

By: s/Joel Weiss/
Joel Weiss
(Reg. No. 44,398)